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7590	01/14/2005		EXAMINER	
Sheldon R. Meyer, Esq. FLIESLER DUBB MEYER & LOVEJOY, LLP Fourth Floor Four Embarcadero Center San Francisco, CA 94111-4156			CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/785,693	STEWART ET AL.
	Examiner Dohm Chankong	Art Unit 2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 October 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-12 and 14-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

D E T A I L E D A C T I O N

1> Applicant's amendment and remarks have been received and reviewed. Claims 3 and 13 were cancelled. Claims 21-31 have been added. The following rejections now apply.

Response to Arguments

2> Applicant's arguments with respect to claims 1-9 and 11-20 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

3> Applicant's arguments with respect to claim 10 has been considered but is not persuasive. Applicant is arguing in substance (a) that the Pinard [U.S Patent No. 6,230,287] reference does not disclose replacing a participant in an aborted conversation, but rather the conversation is terminated upon completion of the conversation and (b) Pinard does not disclose that the substitute participant automatically replaces the participant in the aborted conversation.

With respect to (a), Pinard discloses: "Once a connection between a support specialist personal computer and a user computer is terminated...". Applicant asserts that in Pinard, a terminated conversation suggests a completed conversation, and not an aborted conversation. However, one of ordinary skill in the art would reasonably infer several causes for the termination of the conversation and not just the possible completion of the conversation. For instance, the support specialist could cancel the conversation if the user computer is being rude or the user computer could have lost his connection to the internet and the conversation was aborted prematurely. Furthermore, even if Applicant's assertion were accurate, the claim

language does not prohibit interpreting the claimed "aborted conversation" as a terminated and completed conversation.

With respect to (b), Pinard does disclose a conversation between that the participant on the top of the wait queue and the support specialist is automatically established upon termination of the previous of conversation [column 5 «line 60» to column 6 «line 4» where: the user in the queue does not have to do any action to be connected to the support specialist; he is automatically connected if he is the first participant].

Claim Rejections - 35 USC § 112

4> The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5> Claims 24 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the use of the word "confirming" renders the claim unclear as it does not make sense in the context of the claim language.

In addition, there is lack of proper antecedent basis for "the rules". There is a lack of basis because "the rules defined by said information and said business protocols" seem to be different from "participants ... own business processes and rules".

As to claim 28, there is lack of proper antecedent basis for "said conversation identifiers".

Claim Rejections - 35 USC § 102

6> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7> **Claims 1, 2, 4, 5, 7, 11, 12, 14, 15, 17 and 22-31 are rejected under 35 U.S.C § 102(e) as being anticipated by Meltzer et al, U.S Patent No. 6.226.675 ["Meltzer"].**

8> As to claim 1, Meltzer discloses a conversation manager for managing the flow of messages in a collaboration system, comprising:

a conversation initiation logic that initiates a conversation among participants,

wherein said conversation is a collective set of messages exchanged according to an extensible protocol, wherein said extensible protocol provides the ability to specify both the information and business protocols used by participants for said conversation [column 2 «lines 31-38» | column 6 «lines 29-61» | column 7 «lines 6-16» | column 80 «lines 22-44» where: Meltzer's documents are analogous to messages and the interaction between the Meltzer's participants is analogous to a conversation];

a participation registration logic that registers said participants in said conversation [Figure 13 | column 5 «lines 20-30» | column 8 «lines 62-64»]; and, a conversation repository that stores conversation management data, wherein said conversation management data is used to manage said conversation among said participants [column 5 «lines 20-30» | column 10 «line 66» to column 11 «line 10»].

9> As to claim 2, Meltzer discloses the conversation manager of claim 1 wherein the conversation manager controls the flow of said conversation between the participants [column 6 «lines 29-36» | column 9 «lines 35-44»].

10> As to claim 4, Meltzer discloses the conversation manager of claim 1 wherein the conversation manager controls a publish/subscribe service for accepting said messages and sending said messages to and from said participants [column 22 «lines 17-20» | column 23 «lines 10-16»].

11> As to claim 5, Meltzer discloses the conversation manager of claim 4 wherein a registered participant sends said messages to the publish/subscribe service for distribution to one or more said participants [column 9 «lines 35-44» | column 22 «lines 17-20»].

12> As to claim 7, Meltzer discloses the conversation manager of claim 5 wherein the conversation repository includes instructions for the distribution of said messages sent via the publish/subscribe service to the participants [column 5 «lines 20-30» | column 6 «line 62» to column 7 «line 5»].

13> Claims 11, 12, 14, 15 and 17, as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 1, 2, 4, 5 and 7, respectively, they do not teach or further define over the limitations. Therefore, claims 11, 12, 14, 15 and 17 are rejected for the same reasons set forth for claims 1, 2, 4, 5 and 7, supra.

14> As to claim 22, Meltzer discloses the conversation manager of claim 1 wherein said participants define routing and filtering for said messages [column 5 «lines 20-30»].

15> As to claim 23, Meltzer discloses the conversation manager of claim 1 further comprising a module to apply content transformation for said messages [column 23 «lines 17-30»].

16> As to claim 24, Meltzer discloses the conversation manager of claim 1 wherein said participants handle the implementation of their own business process and rules locally while conforming to the rules defined by said information and said business protocols [column 3 «lines 1-18» | column 7 «line 55» to column 8 «line 15» | column 11 «lines 11-17»].

17> As to claim 25, Meltzer discloses the conversation manager of claim 1 wherein said conversation is associated to a conversation space, wherein said conversation space is an abstract structure wherein messages of said conversation are transmitted among participants according to said protocol, wherein said conversation space and with one of said business protocols are identified by an URL [column 10 «lines 46-65» | column 16 «lines 64-65» | column 17 «lines 1-7» | column 78 «lines 5-14» where: Meltzer's virtual enterprises and trading community is analogous to a conversation space].

18> As to claim 26, Meltzer discloses the conversation manager of claim 25 wherein said participants access said conversation space using a particular business protocol [column 2 «lines 38-44 and lines 51-54» | column 10 «lines 46-65»].

19> As to claim 27, Meltzer discloses the conversation manager of claim 25 wherein said conversation space supports multiple business protocols by using multiple URLs [column 17 «lines 49-51» where: Meltzer's BIDs are comparable to business protocols].

20> As to claim 28, Meltzer discloses the conversation manager of claim 1 wherein said conversation repository comprises information related to said business protocols, said conversation identifiers, identifiers for said participants, identifiers for said messages and said messages [column 5 «lines 20-30» | column 6 «lines 3-16» | column 6 «line 66» to column 7 «line 5» | column 7 «lines 55-66» | column 27 «lines 18-33»].

21> As to claim 29, Meltzer discloses the conversation manager of claim 1 wherein said protocol is extensible by said participants [column 8 «lines 9-11 and lines 16-24» | column 29 «lines 14-16»].

22> As to claim 30, Meltzer discloses the conversation manager of claim 1 wherein said protocol further allows quality of service parameters for each message [column 17 «lines 56-64» | column 28 «lines 57-65»].

23> As to claim 31, Meltzer discloses the conversation manager of claim 1 wherein said conversation initiation mechanism initiates a plurality of concurrent conversations among participants [column 22 «lines 17-20» | column 23 «lines 10-16»].

24> Claims 1, 2, 4-9, 11, 12 and 14-19 are rejected under 35 U.S.C § 102(e) as being anticipated by Borwankar, U.S Patent No. 6,594,693.

25> As to claim 1, Borwankar discloses a conversation manager for managing the flow of messages in a collaboration system, comprising:

 a conversation initiation logic that initiates a conversation among participants, wherein said conversation is a collective set of messages exchanged according to an extensible protocol, wherein said extensible protocol provides the ability to specify both the information and business protocols used by participants for said conversation [column 3 «line 34» to column 4 «line 13» | column 4 «line 56» to column 5 «line 14» | column 14 «lines 1-6» where: the group messaging system and engine are analogous to the conversation manager];

 a participation registration logic that registers said participants in said conversation [column 10 «line 63» to column 11 «line 6»]; and,

 a conversation repository that stores conversation management data, wherein said conversation management data is used to manage said conversation among said participants [column 14 «lines 7-17» | column 15 «lines 2-41»].

26> As to claim 2, Borwankar discloses the conversation manager of claim 1 wherein the conversation manager controls the flow of said conversation between the participants [column 13 «lines 12-31»].

27> As to claim 4, Borwankar discloses the conversation manager of claim 1 wherein the conversation manager controls a publish/subscribe service for accepting said messages and

sending said messages to and from said participants [column 12 «line 57» to column 13 «line 11»].

28> As to claim 5, Borwankar discloses the conversation manager of claim 4 wherein a registered participant sends said messages to the publish/subscribe service for distribution to one or more said participants [column 12 «line 57» to column 13 «line 11» where: Borwankar's initiator is analogous to the publish/subscribe service].

29> As to claim 6, Borwankar discloses a conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation [column 8 «lines 61-65»].

30> As to claim 7, Borwankar discloses the conversation manager of claim 5 wherein the conversation repository includes instructions for the distribution of said messages sent via the publish/subscribe service to the participants [column 12 «line 55» to column 12 «line 11» | column 14 «lines 7-15» | column 15 «lines 2-13»].

31> As to claim 8, Borwankar discloses the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants [column 9 «lines 16-18 and lines 40-43»].

32> As to claim 9, Borwankar discloses the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants [column 3 «lines 45-63» | column 17 «lines 25-36» where: Borwankar's termination message is analogous to an abort message].

33> Claims 11, 12 and 14-19, as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 1, 2 and 4-9, respectively, they do not teach or further define over the limitations. Therefore, claims 11, 12, 14-19 are rejected for the same reasons set forth for claims 1, 2 and 4-9, supra.

Claim Rejections - 35 USC § 103

34> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35> Claims 6, 8, 9, 16, 18 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer, in view of Borwankar.

36> As to claim 6, Meltzer does disclose that any participants can initiate a conversation amongst each other [column 10 «lines 46-49»] but does not explicitly disclose the

conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation.

37> Borwankar discloses a conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation [column 8 «lines 61-65»]. It would have been obvious to one of ordinary skill in the art to implement one participant who is authorized to initiate a conversation as taught by Borwankar into Meltzer's conversation system to simplify the conversation initiation process by designating one participant who is solely responsible for initiation of the conversation.

38> As to claim 8, Meltzer does not explicitly disclose the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants.

39> Borwankar discloses the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants [column 9 «lines 16-18 and lines 40-43»]. It would have been obvious to one of ordinary skill in the art to implement one participant who is authorized to terminate a conversation as taught by Borwankar into Meltzer's conversation system to simply the conversation termination process by designating one participant who is solely responsible for termination of the conversation.

40> As to claim 9, Meltzer does not explicitly disclose the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants.

41> Borwankar discloses the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants [column 3 «lines 45-63» | column 17 «lines 25-36» where: Borwankar's termination message is analogous to an abort message]. It would have been obvious to one of ordinary skill in the art to include Borwankar's abort messages into Meltzer's conversation system to allow a participant to abort participation in a conversation with another participant.

42> Claims 16, 18 and 19 as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 6, 8 and 9, respectively, they do not teach or further define over the limitations. Therefore, claims 16, 18 and 19 are rejected for the same reasons set forth for claims 6, 8 and 9, supra.

43> Claims 10 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer and Borwankar, in further view of Pinard et al, U.S Patent No. 6,230,287 ["Pinard"].

44> As to claim 10, Meltzer does not teach a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant.

45> Pinard teaches a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant [column 5 «line 66» to column 6 «line 4»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include participant substitution functionality into Meltzer so the next participant can be connected to Meltzer's marketplace [column 78 «lines 5-7» | column 80 «lines 26-31»] with minimal delay.

46> Claim 20 is a claim to a method that performs the steps of the machine of claim 10. Therefore, claim 20 is rejected for the same reasons as set forth for claim 10.

47> Claim 21 is rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer and Borwankar, in further view of Laura Gibbons Paul, "RosettaNet: Teaching businesses to work together", www.developer.com/xml/article.php/616641 ["Paul"].

48> Meltzer does disclose the use of XML protocol for its business documents [abstract], but does not specifically disclose a conversation manager wherein said business protocols include cXML, BizTalk, RosettaNet and proprietary business documents.

49> Paul discloses that cXML, BizTalk and RosettaNet are all XML-based business protocols [page 2]. It would have been obvious to one of ordinary skill in the art to implement cXML and other XML based protocols into Meltzer's system to streamline business processes in a supply chain.

50> Claims 10 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Borwankar, in further view of Pinard.

51> As to claim 10, Borwankar does disclose aborting a participant [column 10 «lines 10-11»] but does not specifically teach a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant.

52> Pinard teaches a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant [column 5 «line 66» to column 6 «line 4»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include participant substitution functionality into Borwankar so the next participant can be connected to Borwankar's chat room with minimal delay.

53> Claim 20 is a claim to a method that performs the steps of the machine of claim 10. Therefore, claim 20 is rejected for the same reasons as set forth for claim 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). DC



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